

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHNSON OBIEGBU, :  
Plaintiff :  
v. : Case No. 3:10-cv-277-KRG-KAP  
ROBERT WERLINGER, WARDEN, F.C.I.:  
LORETTO, et al., :  
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 27, 2013, docket no. 72, recommending that the defendants' motion to dismiss, docket no. 61, be granted in part and the complaint be dismissed for failure to state a claim as to all defendants and claims except for the claim that defendant Wirfel deliberately exposed him to contagion.

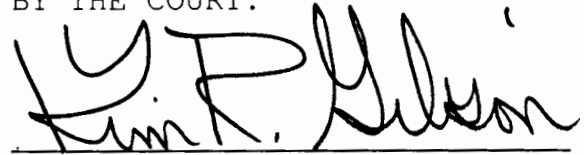
The parties were notified, pursuant to 28 U.S.C. § 636(b)(1), that they had fourteen days to file written objections to the Report and Recommendation. Plaintiff was granted an extension of time to file objections but no timely objections have been filed and the time to file them has expired.

Upon review of the Report and Recommendation, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 9th day of September, 2013, it is

ORDERED that the defendants' motion to dismiss, docket no. 61, is granted in part: the complaint is dismissed for failure to state a claim as to all defendants and claims except for the claim that defendant Wirfel deliberately exposed plaintiff to scabies. Further leave to amend would be inequitable and is denied. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Johnson Obiegbu, Reg. No. 36883-177  
F.C.I. Fort Dix  
P.O. Box 2000  
Fort Dix, NJ 08640